



TOWN OF FREETOWN

Zoning Board of Appeals

3 North Main Street - P.O. Box 438
Assonet, MA. 02702 - Phone: (508) 644-2201

Meeting Minutes - Wednesday, September 30, 2020 @ 4:30 PM

Cheryl A. Delallo
2021 FEB -1 A 8:52

A meeting of the Freetown Zoning Board of Appeals was held on Wednesday, September 30, 2020 @ 4:30 p.m.. at the Council on Aging Pavilion.

PRESENT: Chairman James Frates, Nick Velozo and Swede Magnett

ALSO PRESENT: Catrina Goncalves, Senior Clerk.

ABSENT: Robert Jose

Meeting called to order at 4:38 PM

MOTION:

Motion made by Mr. Velozo to open the public hearing, seconded by Mr. Magnett Unanimously approved.

MOTION:

Motion made by Nick Velozo to waive the reading of the public notice, seconded by Mr. Magnett. Unanimously approved.

As petitioner(s) are running late for this meeting, Chairman Frates grants 15-20 minutes grace period.

4:51 PM, Petitioners arrive.

TOPIC: Case #586

0 Braley Road ~ Petitioner Dale F. Knapp, of Boyle Associates, is requesting a variance to install a large ground solar farm at 0 Braley Road, Freetown, MA (Map #247 - Parcel #6) The Building Inspector has determined this lot does not meet the required frontage of 175 feet, and is a non-buildable lot. (Article 11.3 (A)).

Mr. Hamilton Carrier and Mr. Greg Dickson are presenting to the Board.

Mr. Carrier states they are requesting a variance for the frontage, as the Braley Road lot does not have frontage due to the railroad.

Mr. Dickson states this site was generated without frontage, as only one lot has frontage (Costa Drive). Mr. Dickson questioned that if one lot is owned by a LLC and the other is owned individually, is it possible combine both lots into one parcel, separated by a railroad.

Mr. Velozo answers that is a question for the Zoning Enforcement Officer to answer.

Mr. Velozo questioned when the owner/individual purchased the parcels, and if were already subdivided at the time of purchase or were the lots subdivided at a later time.

Mr. Carrier and Mr. Dickson did not know the history of the parcels.

Mr. Dickson states they are requesting a variance, otherwise the parcel is useless and they are simply building a solar farm, not an infrastructure. Lastly, if the lot cannot be used for a solar farm, the owner cannot make money.

Mr. Frates questioned the claim of hardship, as money is not a legitimate hardship. Mr. Hamilton stated the hardship is this is an unusable lot and therefore the only function the lot can serve is to be a solar farm.

Mr. Velozo states he has not heard a legitimate hardship and the parcels were already created, therefore the hardship may have been self created and suggests researching the history of the parcels, in order to give the Board adequate information.

Mr. Frates states there are 3 options; a Vote, Withdraw the Petition for Variance without Prejudice, or request for a Continuance to another meeting. Mr. Frates states that continuing to another meeting will allow the petitioners time to research the history of the lot, since a legitimate hardship has not been proven and it is possible the owner created their own hardship.

Mr. Velozo states the red flag is the parcels are under 2 separate names of ownership, and he agrees with the Chairman that a hardship has yet to be proven.

Petitioners request a continuance.

NEXT MEETING:

Tentative Zoom Meeting scheduled for October 28th.

TOPIC: Approval of Minutes

MOTION:

Motion made by Mr. Velozo to approve the August 13, 2020 Meeting Minutes, seconded by Mr. Magnett. Unanimously approved.

ADJOURNMENT:

MOTION:

Motion made by Mr. Velozo to adjourn the meeting, seconded by Mr. Magnett. Unanimously approved.

Meeting adjourned at 5:24 PM

This is a true record by me:

Catrina Goncalves, Senior Clerk